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MEMO ENDORSED

By ECF and Hand

The Honorable P. Kevin Castel
United States District Court
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

Re: Sullivan v. Barclays PLC et al., No. 13-CV-2811

Dear Judge Castel:

This joint letter is submitted on behalf of all parties to the above-referenced matter to seek clarification with respect to a scheduling order that the Court issued on May 6, 2014 [Docket No. 114] (the "May 6 Order"), which deals with initial case management matters in a different manner and on a different schedule than a more extensive scheduling order that the Court previously issued on March 7, 2014 [Docket No. 100] (the "March 7 Order"), under which the parties are still proceeding.

On March 7, the Court issued a comprehensive scheduling Order that set forth deadlines for (i) Plaintiffs to amend their complaint, (ii) the parties to submit pre-motion letters to the Court, (iii) Plaintiffs to further amend their complaint in response to Defendants' pre-motion letters, (iv) Defendants to answer or move against the complaint, and (v) the parties to jointly consider and inform the Court whether a private mediator should be retained to explore potential resolution of the case. The parties are actively complying with the schedule set forth in the March 7 Order,¹ which extends through the end of September 2014.

¹ For example, in accordance with the March 7 Order, on April 25, 2014, the parties jointly informed the Court of their collective determination that mediation would not be appropriate at that time, and, on May 2, 2014, Plaintiffs filed their Second Amended Complaint. Also in accordance with the March 7 Order, Defendants anticipate submitting pre-motion letters to the Court by May 30, 2014, which will detail bases for dismissal of the Second Amended Complaint.

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On May 6, 2014, the Court issued another scheduling Order, which sets deadlines that seem to require at least in part the same initial case management activities, but in a different manner and on a different schedule than the March 7 Order. For example, the May 6 Order set an initial pretrial conference for May 28, 2014, two days before Defendants are scheduled to submit to the Court letters identifying bases for motions to dismiss the Second Amended Complaint. Similarly, the May 6 Order directed the parties to submit to the Court—five business days prior to the May 28 conference—a joint letter setting forth “a brief description of the case, including the factual and legal bases for the claim(s) and defense(s)” and “any contemplated motions,” which are topics that will be covered in the parties’ pre-motion letters in more detail.

Because the parties had been proceeding on the basis of the March 7, 2014 schedule, the parties respectfully request that the May 6 Order be vacated in favor of the March 7 Order.

Respectfully submitted,

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